

Paulo Appln. No. 10/629,539
Filed: July 27, 2003

BEST AVAILABLE COPY^{Page 6}**REMARKS**

This is a response to the Office Action mailed September 8, 2004 finally rejecting claims 1 and 2, allowing claim 7 and objecting to claims 3-6. By this response claim 1 is cancelled, claims 2-4 and 6 are amended and newly submitted claim 8 is presented to replace cancelled claim 1. Consideration of the newly submitted claim and the amended claims is respectfully requested.

Claims 1 and 2 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman ('980) in view of Kobayashi ('399). The Examiner has suggested that Sherman discloses a marine propulsion system including a tunnel structure and the Examiner has noted that Sherman does not disclose the use of a constant radius extension of the tunnel structure. The Examiner further suggests that Kobayashi discloses a boat with a tunnel structure with a structure that extends from the tunnel to the stern of the boat. Further, the Examiner suggests that it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a tunnel structure on a boat having a constant radius extension between a propeller and a stern of the boat hull, based on the combination of Sherman and Kobayashi.

It is respectfully submitted that Sherman does not suggest a **constant radius** extension of a tunnel structure; the Sherman structure reduces the diameter of a possible extension to produce a **nozzle** region (col. 7, lines 11-

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15) aft of the propeller. The present invention discloses and claims a tunnel extension of constant diameter from the propeller to the stern of the boat. It is further submitted that Kobayashi does not suggest that a tunnel extension should extend from the position of the propeller within the tunnel to the stern of the boat. Kobayashi discloses a tunnel with an extension that eventually expands before it gets to the stern of the boat; thus defeating the intended purpose of the constant radius extension of the present invention.

Newly submitted claim 8 is the structure originally claimed in claim 1 with further emphasis on the constant radius extension from the aft end of the tunnel structure at the location of the propeller with the tunnel structure extending from its forward end toward the bow to its trailing end extending toward the stern of the boat. The constant radius extension mirrors the end of the tunnel at the position of the propeller within the tunnel and extends entirely at its trailing end to the stern of the boat. Claim 8 as submitted clearly defines a structure that is neither found in nor suggested by either Sherman or Kobayashi alone or in combination. Reconsideration of the rejection of this subject matter of this newly submitted claim is respectfully requested.

Claim 2 was rejected under the same ground as original claim 1 and is now submitted as dependent from new claim 8 as containing the structures that distinguish the present invention from the cited references. It is noted

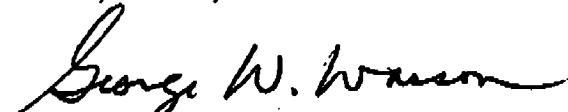
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that claims 3-6 are rejected as being dependent from a rejected base claim. These claims now depend directly or indirectly from new claim 8 and are believed to be allowable for the reasons stated above.

In a telephone discussion with Examiner Olsen on October 18th the differences between the present invention and the disclosures of Sherman and Kobayashi was expressed by the Applicant's attorney. This Amendment After Final is submitted with a request for consideration and an advisory action from the Examiner is requested. If a telephone discussion between the Examiner and Applicant's attorney could assist in the further prosecution of this application, the Examiner is requested to contact the applicant's attorney at the FAX or telephone number shown below. Reconsideration and allowance of the claims of this application is respectfully requested.

Respectfully submitted



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